

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN JOSEPH CULLEN,

Plaintiff,

-against-

CITIBANK, NA,

Defendant.

21-CV-8428 (CS)

BAR ORDER UNDER
28 U.S.C. § 1651

CATHY SEIBEL, United States District Judge:

Plaintiff filed this action *pro se*. On October 22, 2021, the Court dismissed the action as frivolous, noted that Plaintiff had filed three other cases dismissed as frivolous or for failure to state a claim, and ordered Plaintiff, within thirty days, to show cause by declaration why he should not be barred from filing further actions in this court, even if he pays the filing fees, without prior permission. Plaintiff has not filed a declaration as directed. Accordingly, the bar order will issue.

CONCLUSION

The Court hereby bars Plaintiff from filing future civil actions in this court, even if he pays the filing fees, without first obtaining from the court leave to file. *See* 28 U.S.C. § 1651. Plaintiff must attach a copy of his proposed complaint and a copy of this order to any motion seeking leave to file. The motion must be filed with the Pro Se Intake Unit of this court. If Plaintiff violates this order and files an action without filing a motion for leave to file, the action will be dismissed for failure to comply with this order.

Plaintiff is further warned that the continued submission of frivolous documents may result in the imposition of additional sanctions, including monetary penalties. *See id.*

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The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket.

SO ORDERED.

Dated: December 15, 2021
White Plains, New York

A handwritten signature in black ink, reading "Cathy Seibel", is written over a horizontal line.

CATHY SEIBEL
United States District Judge